

1 Stacey King
2 PO Box 20671
3 Las Vegas, NV 89112
4 Telephone: (702) 372-3721; Email: en-bogota@outlook.com
5 PLAINTIFF IN PROPER PERSON

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF NEVADA**

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
MAR - 5 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	DEPUTY

8 STACEY KING, an individual

9 Plaintiff,

10 -vs-

11 MUTUAL OF OMAHA INSURANCE
12 COMPANY, a foreign business corporation

13 Defendant.

NO. 2:18-cv-01821

14 **STIPULATION TO EXTEND**
15 **DISCOVERY CUT-OFF**
16 **DATE**

17 **INTRODUCTION**

18 The parties, Plaintiff Stacey King and Defendant Mutual of Omaha Insurance
19 Company, hereby jointly stipulate to a 60-day extension of the currently scheduled
20 discovery deadlines as set forth below.

21 **II. RECITALS/GROUNDS FOR RELIEF**

22 Pursuant to Rule 16, a party make seek modification of a scheduling order,
23 including modification of a discovery cut-off date, "only for good cause and with a
24 judge's consent." Fed. R. Civ. P. 16(b)(4). "Good cause" exists when a scheduling
25 deadline "cannot reasonably be met despite the diligence of the party seeking the
26 extension." Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir.
27 1992). A party may establish good cause by showing (1) that [he or she] was
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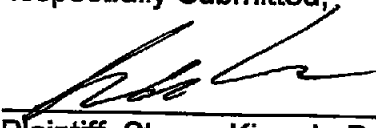
1 diligent in assisting the court in creating a workable Rule 16 order; (2) that [his or
2 her] noncompliance with a Rule 16 deadline occurred or will occur, notwithstanding
3 [his or her] diligent efforts to comply, because of the development of matters which
4 could not have been reasonably foreseen or anticipated at the time of the Rule 16
5 scheduling conference; and (3) that [he or she] was diligent in seeking amendment
6 of the Rule 16 order, once it became apparent that he or she could not comply with
7 the order. Hood v. Hartford Life & Accident Ins. Co., 567 F.Supp.2d 1221, 1224
8 (E.D. Cal. 2008) (citation omitted). The current deadline to complete all non-expert
9 discovery is March 26, 2019. The parties stipulate and agree to extend the non-
10 expert discovery cut-off deadline because additional time is needed to adequately
11 and fairly complete the discovery process. The parties are currently and diligent
12 negotiating to resolve various scheduling issues in terms of party and witness
13 deposition to complete non-expert discovery in the most efficient manner possible;
14 however, because of counsel's schedule and the out-of-state witnesses'
15 schedules, the depositions will not take place until April. Defendant is also
16 planning to depose Plaintiff; however, Defendant only recently obtained the
17 authorizations necessary to subpoena Plaintiff's medical records. Furthermore,
18 Plaintiff has recently returned to work, which is a factual development Defendant
19 wishes to explore through further discovery. Extending the non-expert discovery
20 deadline pursuant to this stipulation will allow the parties an opportunity to
21 negotiate informally to complete the discovery process without further involvement
22 of the court. The parties make this request to extend the discovery cut-off date
23 after ultimately concluding that avoiding this request is not feasible.

24 AND, THE PARTIES STIPULATE AND AGREE TO THE FOLLOWING: 1. To
25 extend the non-expert discovery cut-off deadline 60 days, to May 26, 2019. The
26 remaining case deadlines are not affected by this requested extension.
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5 SO STIPULATED.
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7 DATED: 3/4, 2019.

8 Respectfully Submitted,
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Plaintiff, Stacey King, In Proper Person

11 DATED: 3/4, 2019.

12 Concurred Via Email
13 Kristina Holmstrom
14 Attorney for Defendant
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on 3/5, 2019, I placed a true and correct copy of the above **STIPULATION TO EXTEND DISCOVERY CUT-OFF DATE AND ORDER** in the United States Mail at Las Vegas, Nevada, with first-class postage prepaid, addressed to the following:

Ogletree, Deakins, Nash, Smoak & Stewart
3800 Howard Hughes Parkway, Suite 1500
Las Vegas, NV 89169

DATED: 3/5, 2019.



Plaintiff, Stacey King,

In Proper Person

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**ORDER GRANTING
STIPULATION TO EXTEND
DISCOVERY CUT-OFF
DATES**

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14 **ORDER**

15 The Court finds good cause to extend the fact discovery
16 conflicts, for 60 days until May 26, 2019. deadline , in light of scheduling

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18 **IT IS SO ORDERED.**

19 March 7, 2019

20 Dated: _____

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United States Magistrate Judge